IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

COMPANY PETITION NO. 60 OF 2007

Mr. S.M. Zaheer Haider. ... Petitioner.

V/s.

World Wide Ship Management Pvt.Ltd. ...Respondents.

....

Mr. Chetan N. Mehta for the Petitioners.
Mr. Mohankumar K. for the Respondent.

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CORAM : DR. D.Y.CHANDRACHUD,J.

26th April 2007.

P.C. :

. The claim of the Petitioner arises out of contracts dated 5th October 2005 in pursuance of which the Petitioner was to assume charge as a Master of a Vessel until the vessel was beached for ship breaking. The Petitioner's claim is that his wages for 26 days at the rate of Rs.4,700/- per day have not been paid. In the reply, it has been contended that the Petitioner had abandoned the vessel without carrying out his duties. According to the Petitioner, the vessel was not seaworthy. The reply to the Petition would show that several disputed questions arise between the parties.

These disputes would warrant a resolution on the basis of evidence adduced at the trial of a suit. It cannot be said that there is a debt presently due and payable.

2. The Petitioner is, therefore, relegated to the remedy of pursuing his claim in a suit before the appropriate Court. The Company Petition is accordingly dismissed.